



PUBLIC WORKS DEPARTMENT

Office of Environmental Services

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September 12, 2002

Sherry Scott, P.G., Water Supply Coordinator
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406-3089

Subject: Comments on June 25, 2002 Reservations White Paper

Dear Ms. Scott:

Thank you for the opportunity to comment on the South Florida Water Management District's (SFWMD) paper entitled *"Reservations of Water for the Environment and Assurances for Existing Legal Sources Consistent with Federal and State Law."* Broward County staff recognizes the importance of the policies proposed in the paper and commends the SFWMD staff for their comprehensive analysis of the issues. Broward County staff has been working with the Broward County Water Advisory Board and its Technical Advisory Committee to develop a paper which represents a county-wide position on general CERP issues. A copy of this paper entitled *"The Future of Broward County's Urban Water Supplies"* is attached for your review and consideration. While this paper is, by intent, general in nature, it provides a county-wide vision of how to interface with the CERP and how to address associated problems.

Much of what you have presented in the Reservations White Paper is consistent with the County's position and we generally agree with the guiding principles therein. However, we are concerned that implementation of the reservations may have unintended impacts on the availability of water for the Lower East Coast and Broward County in particular. This has become especially true as implementation of Aquifer Storage and Recovery has become significantly delayed, leaving Broward County vulnerable to water shortages in future years. Specific issues in the White Paper which may affect Broward's ability to meet future water supply demands are summarized below.

Broward County Board of County Commissioners

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- ☐ **Initial Reservations set aside pre-CERP water, reducing the amount of water available for users.** The SFWMD's reservation strategy sets aside pre-project or "pre-CERP" water by allocating estimated volumes of water expected to be produced by a project prior to its completion. This "initial" allocation and reservation may further exacerbate timing issues for users whose allocations may be constrained by the establishment of 2000 pre-CERP Baseline, Group B consumptive use permitting regulations and by the policies proposed in the current draft of the federal programmatic regulations for CERP. The potential for increased permitting and policy restrictions may make it more difficult for users to obtain increased allocations and may require us to develop alternative supplies to meet increased demands.

Broward County is committed to supporting the CERP and Lower East Coast Regional Water Supply Plan (LECRWSP). From their inception, these plans proposed to meet present and future water resource needs of the urban areas. However, we recognize that serious delays associated with ASR have created a timing issue with regard to the ability of these plans to meet Broward County's needs as they occur. Broward County expects that, despite any limitations placed on water availability as a result of ASR delays, water reservations or any other regulatory processes, the SFWMD will pursue and support the development and funding of water resource development projects to ensure the availability of sufficient water for all existing and future reasonable and beneficial uses. To comply with existing legislative and program planning responsibilities, it is important that the reservations process consider a strategy to meet both existing and future urban water resource demands. It is also requested that the Group B Rules be developed concurrent with the reservations strategy to ensure that impacts to users are adequately considered.

- ☐ **The definition of existing legal sources excludes sources of vital importance to Broward County.** The SFWMD defines existing legal sources as local rainfall, storage, delivered quantities, and supplies for resource protection such as regional deliveries for saltwater intrusion, wetland protection and canal recharge. Seepage, which is a large and important primary source of water for the LEC, has not been included and should be added.

Regional water discharged to tide, which is currently available to us as an existing legal source, is also not included. Broward County's Permit No. 06-00837 allows the County to pump water in unlimited amounts from the Hillsboro Canal when the District is releasing water to tide from the G-56 Deerfield Locks salinity structure. Please clarify Broward's future expectation to utilize this source, which is clearly specified by the permit.

Sherry Scott, P.G.
SFWMD
September 12, 2002

Broward County's Office of Environmental Services and Department of Planning and Environmental Protection are working very hard to ensure the future availability of the County's future urban water supplies. The potential for cumulative impacts of ASR delays combined with the SFWMD Reservations Strategy and the proposed revisions to the myriad of other state and federal regulations under review may result in significant impacts to water availability for the Lower East Coast and Broward County in particular.

Broward County is committed to working with the SFWMD to find a balanced and equitable approach to meeting the needs of the County while achieving the other goals of CERP. We look forward to working with you on this important initiative and other issues in the future. Should you have any questions, please don't hesitate to contact us.

Sincerely,

Roy Reynolds, P.E., Director
Water Management Division
Office of Environmental Services

cc: Tony Hui, OES
Steve Somerville, DPEP
Ken Ammon, SFWMD
Pamela Brooks-Thomas, SFWMD